

REMARKS

Claims 1-98 were examined. Claims 48 and 68 stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Claims 90-95 and 97-98 stand rejected under 35 U.S.C. § 102(b) over Weaver, U.S. Patent No. 5,727,033. Claim 96 stands rejected under 35 U.S.C. § 103(a) over Weaver in combination with official notice taken by the Examiner. Claims 1-47, 49-67 and 69-89 are allowed, which Applicant acknowledges with gratitude.

By this Amendment, Applicant cancels claims 97 and 98, seeks clarification on the reasons for allowance, and traverses the rejections of: (1) claims 48 and 68 under § 112; (2) claims 90-95 under § 102; and (3) claim 96 under § 103.

With respect to the rejections of claims 48 and 68 under § 112, Applicant points out that the limitation where the control target value is increased “if there is no frame in which no error is detected” is definite. According to this limitation, the control target value is increased if there is a frame in which an error is detected. Further, the Office Action states that “[i]t is not clear why the control power is increased if there is no frame in which no error is detected.” However, the claims at issue, claims 48 and 68, specifically recite that the “control target value” is increased, not the “control power”. Further, claim 68 recites “increas[ing] a control target value for controlling transmission power of the mobile station”, which again is not “control power.” Therefore, the claims are definite. Withdrawal of the rejections of claims 48 and 68 is therefore respectfully requested.

With respect to the rejections of claims 90-95 under § 102, Applicant respectfully traverses as follows. Applicant has amended claims 90-95 consistent with principles supporting the reasons for allowance given by the Office Action. Nowhere does Weaver show or suggest, as required by each of claims 90-95, transmission power control where “the control target value is increased by a product of a predetermined value denoted as SIRinc and the number of bits in error and decreased by a product of another predetermined value denoted as SIRdec and a number of bits not in error, wherein SIRdec

is smaller than SIRinc.” As explained in the specification, “the number of bits in error is an amount reflecting channel quality.” (Page 58, lines 16-17.) As the Office Action states (p. 5), Weaver “teaches a frame error rate target is selected to minimize power without compromising signal quality.” Thus, for the same reason that claims 1-89 are allowable over Weaver, so are claims 90-95 in that these claims have been amended to contain similar limitations. Withdrawal of the rejections of claims 90-95 under § 102 is thus respectfully requested.

On page 4 of the Office Action, claim 96 is rejected under § 103 over Weaver in combination with Official Notice. However, inasmuch as claims 1-95 are patentable under § 102 over Weaver, claim 96 is patentable under § 103 because, even if Weaver is combined with the Official Notice taken, each and every limitation of claim 96 is not taught. Withdrawal of the rejection of claim 96 under § 103 is thus respectfully requested.

On page 5 of the Office Action, claims 1-47, 49-67 and 69-89 have been allowed, which Applicant again acknowledges with gratitude. As indicated above, the Office Action states the following: “the present application, with regards to claims 1-12, 21, 23, 24, 35, 36, 41-54, 65-67, 83, 86 and 87, teach a transmission power control method where it is checked whether a frame error exists in the received signal, the control target value is increased if a frame error is detected, and the control target value is gradually decreased if no frame error is detected.” (Office Action at p. 5, emphasis in original.) Applicant agrees that the gradual decrease of the control target value as claimed is not taught or suggested by the prior art.

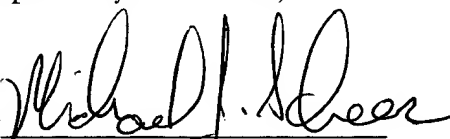
The Office Action goes on to state that “applicant has indicated that the correction value for increasing the control target value is greater than the correction value for decreasing the control target value.” Applicant respectfully notes that specific relationships of the values for respectively increasing and decreasing the control target value are not recited in all of the claims cited by the Office Action.

Applicant further notes that the Office Action only contains reasons for allowance with respect to the claim list stated. Nonetheless, claims 1-47, 49-67 and 69-89 have been allowed.

Applicant has shown that claims 48 and 68 are patentable under § 112, claims 90-95 are patentable under § 102, and claim 96 is patentable under § 103. In view of the above, claims 1-96 are believed to be in immediate condition for allowance and such action is earnestly solicited.

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Respectfully submitted,

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